STATUTORY INSTRUMENTS

2016 No. 851

TRANSPORT AND WORKS, ENGLAND
TRANSPORT, ENGLAND

The River Mersey (Mersey Gateway Bridge) (Amendment) Order 2016

Made - - - - 24th August 2016

Coming into force - - 14th September 2016

An application has been made to the Secretary of State in accordance with the Transport and Works (Applications and Objections Procedure) (England and Wales) Rules 2006(**1**) for an Order under sections 3 and 5 of the Transport and Works Act 1992(**2**) ("the 1992 Act").

The Secretary of State, having considered the objections made and not withdrawn, has determined to make an Order giving effect to the proposals comprised in the application with modifications which in the opinion of the Secretary of State do not make any substantial change in the proposals.

The Secretary of State is of the opinion that the primary object of this Order cannot be achieved by means of an Order under the Harbours Act 1964(**3**).

Notice of the Secretary of State's determination was published in the London Gazette on 23rdAugust 2016.

The Secretary of State in exercise of the powers conferred by sections 3 and 5 of, and paragraph 12 of Schedule 1 to, the 1992 Act and article 2 of the Transport and Works (Description of Works Interfering with Navigation) Order 1992(**4**), makes the following Order—

Citation, commencement and interpretation

1. This Order may be cited as the River Mersey (Mersey Gateway Bridge) (Amendment) Order 2016 and comes into force on 14th September 2016.

2. In this Order, any reference to an article is a reference to an article in the River Mersey (Mersey Gateway Bridge) Order 2011(**5**).

(**1**) S.I. 2006/1466.
(**2**) 1992 c. 42. Section 3 was amended by paragraphs 51 and 53 of Schedule 2 to the Planning Act 2008 (c. 29), section 5 was amended by S.I. 2012/1659.
(**3**) 1964 c. 40.
(**4**) S.I. 1992/3230, as amended by S.I. 1997/2906.
(**5**) S.I. 2011/41.

Amendments to the River Mersey (Mersey Gateway Bridge) Order 2011

3.—(1) The River Mersey (Mersey Gateway Bridge) Order 2011 is amended as follows.

(2) In article 2(1) insert the following definitions in the appropriate alphabetical place—

""the 2013 Regulations" means the Road User Charging Schemes (Penalty Charges, Adjudication and Enforcement) (England) Regulations 2013(**6**);";

""charging scheme" means a charging scheme made by order under Part 3 of the 2000 Act;"; and

""Silver Jubilee Bridge roads" means the A533 road between its junctions with the A557 Weston Point Expressway and the A533 Daresbury Expressway in Runcorn and Ditton Junction in Widnes carried in part upon the Silver Jubilee Bridge;".

(3) After article 42, insert—

"**Power to make road user charging schemes**

42A.—(1) The undertaker may make charging schemes in respect of the bridge roads or Silver Jubilee Bridge roads, or a single charging scheme for both.

(2) Section 164(3) (local charging schemes) of the 2000 Act does not apply to such a charging scheme.

(3) A charging scheme to which this article relates may make provision, in addition to anything provided for under the 2000 Act, for—

(a) charges to be levied for any services or facilities provided in connection with the new crossing and the Silver Jubilee Bridge; and

(b) any other matter that is provided for in articles 41 (power to charge tolls) and 42 (payment of tolls).

(4) Where a charging scheme is in force on 14th September 2016 in respect of the bridge roads or Silver Jubilee Bridge roads, or both, and does not make express provision for such matters, the following is to apply in addition to that charging scheme—

(a) the undertaker may levy charges for any other services or facilities provided in connection with the new crossing or the Silver Jubilee Bridge;

(b) where any charge, including a penalty charge under a charging scheme or a charge levied under sub-paragraph (a), remains unpaid after it has become due for payment the person to whom it is payable may recover from the person liable to pay it the amount of the charge together with all other reasonable costs and expenses including administrative expenses, enforcement expenses and interest arising out of such failure to pay;

(c) the undertaker may appoint any person to act as its agent to collect charges and other sums as provided for within sub-paragraph (b); and

(d) regardless of paragraph 8 of Schedule 12 (road user charging and workplace parking levy: financial provisions) to the 2000 Act, any charge may be applied by the undertaker to the purposes specified in article 41(10) but the undertaker may not apply any charges for the purposes mentioned in sub-paragraphs (e) or (f) of that article—

(i) in a manner that would contravene Directive 1999/62/EC of the European Parliament and of the Council of 17th June 1999(**7**) on the charging of heavy goods vehicles for the use of certain infrastructure as amended by Directive

(**6**) S.I. 2013/1783.
(**7**) OJL 187, 20. 7. 1999, p 42.